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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,362	11/13/2003	Gregory P. Muldowney	03031US	1443
7590 03/07/2006			EXAM	INER
Rodel Holdings, Inc.			SHAKERI, HADI	
Suite 1300 1105 North Market Street			ART UNIT	PAPER NUMBER
Wilmington, DE 19899			3723	
			DATE MAILED: 03/07/2000	5

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
Office Action Summany	10/712,362	MULDOWNEY, GREGORY P.				
Office Action Summary	Examiner	Art Unit				
	Hadi Shakeri	3723				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).						
Status						
1) Responsive to communication(s) filed on						
	-· action is non-final.					
· <u> </u>	,					
	closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims						
<u> </u>						
4) Claim(s) 1-10 is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed.						
<u> </u>						
•	6) Claim(s) <u>1-10</u> is/are rejected.					
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10)⊠ The drawing(s) filed on <u>13 November 2003</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.						
Priority under 35 U.S.C. § 119						
		(1)				
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
·	1. Certified copies of the priority documents have been received.					
2. Certified copies of the priority documents have been received in Application No						
Copies of the certified copies of the priori	ty documents have been received	d in this National Stage				
application from the International Bureau (PCT Rule 17.2(a)).						
* See the attached detailed Office action for a list of the certified copies not received.						
Attachment(s)						
Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413)						
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	Paper No(s)/Mail Date 5) Notice of Informal Pa					
Paper No(s)/Mail Date 6) Other:						

DETAILED ACTION

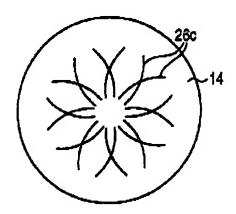
Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 2. Claims 1-3, and 6-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Talieh (5,650,039).

Talieh discloses all of the limitations of claims 1, 6 and 9, i.e., a polishing system and method utilizing a polishing pad (14) having a central region, an outer peripheral edge and a generally annular polishing region defined by an inner periphery adjacent the central region and an outer periphery spaced apart, having a first plurality



of grooves or channels, (26c, CW rotation) and a second plurality of grooves (26c, CCW rotation), wherein each of the first set of grooves has a first end in the central region and a second end within the polishing region, radially inward of the outer peripheral edge and radially outward of the rotational axis, and a first end of each of the second set is located within the polishing region and a second end located radially inward from the outer periphery of the polishing region .

Regarding claims 2, 3 and 6-10, Talieh meets the limitations, e.g., alternative arrangement; pad rotating which would inherently meet the language of claims 7-9; polishing delivery system (inherent).

Application/Control Number: 10/712,362

Art Unit: 3723

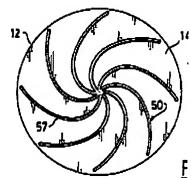
Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-4 and 6-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robinson et al. (5,990,012) in view of Rubio et al. (5,527,215).

Robinson et al. meets all of the limitations of the above claims, as described in the pervious office actions, except that the second end of the first plurality of grooves is not located radially inward of the outer peripheral edge.

Rubino et al. teaches polishing pads having grooves (50) with splash reducing configurations. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Robinson et al. with grooves ending radially inward of the edge as taught by Rubino et al. to reduce splashing.

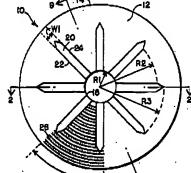


5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior Art (Talieh or Robinson et al. as modified by Rubino et al) in view of Burke et

al. (5,645,469).

Prior Art meets all of the limitations of claim 5, as indicated above, except for a plurality of sets of branching grooves.

Burke et al. teaches radial grooves for distribution of slurry



Application/Control Number: 10/712,362 Page 4

Art Unit: 3723

on the polishing surface of the pad including a plurality of sets of branching grooves (26) connecting the radial grooves. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to modify the invention of Prior Art with the branching sets as taught by Burke et al. to enhance the slurry distribution.

Double Patenting

6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

7. Claims 1-4 and 6-9 are rejected under the judicially created doctrine of double patenting over claims 1-10 of U. S. Patent No. 6,843,711 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is anticipated in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows: polishing pad with an annular polishing having first and second plurality of grooves. Note that the language regarding, "central region", outer and inner periphery not including limitations to positively limit or set these boundaries are met by a pad wherein its entire surface may be used for polishing.

8. Claim 5 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,843,711 in view of Burke

et al. Burke et al. teaches a plurality of branching grooves and modifying the above US Patent in view of Burke to enhance the circulation of slurry would meet the limitations of claim 5.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hadi Shakeri whose telephone number is 571-272-4495. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph J. Hail, III can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hadi Shakeri Primary Examiner

Art Unit 3723

hs March 2, 2006